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Proposed Funder of Debtors' Chapter 11 Plan

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

In re:

85 FLATBUSH RHO MEZZ LLC, et al.,

Debtors.

$$\begin{array}{c} -X \\ : \\ : \\ : \\ : \\ : \\ : \\ : \\ : \\ : \\ -X \end{array}$$

Chapter 11

Case No. 20-23280 (RDD)

**SUPPLEMENTAL DECLARATION OF DARYL HAGLER
IN SUPPORT OF DEBTORS' SECOND AMENDED CHAPTER 11 PLAN**

STATE OF NEW YORK

)

) SS.:

COUNTY OF NEW YORK

)

I, Daryl Hagler, make this Declaration under 28 U.S.C. § 1746 and state that:

1. I am older than 18 years of age and suffer no legal disability.

2. I have a Bachelor's degree from Queens College.

3. I am the Chief Financial Officer of Senior Care Emergency Medical

Services, headquartered at 700 Havemeyer Avenue, Bronx, New York and Centers Health Care,

headquartered at 4770 White Plains Road, Bronx, New York. I am also a member of the Board of

Directors of El Al Israel Airlines Ltd., headquartered in Lod, Israel.

4. In addition to the positions set forth above, I am a real estate investor and have acquired or provided financing of approximately \$100 million over the last 12 months for commercial real property in New York and New Jersey.

5. On June 22, 2022, I filed my Declaration in Support of Debtors' Objection to Confirmation of Second Amended Chapter 11 Plan Filed by Creditor TH Holdco LLC (the "**First Hagler Decl.**") [Dkt. No. 231] setting forth, *inter alia*, my willingness to provide funding for a chapter 11 plan (the "**Debtors' Plan**") for the above-captioned Debtors, including funding to satisfy all allowed claims in the Debtors' chapter 11 cases and an immediate deposit of \$2.5 million to be held in escrow by the Debtors' counsel or Riverside Abstract, as non refundable liquidated damages in the event the Debtors' Plan is confirmed and I default on my Plan funding obligations. *See* First Hagler Decl. at ¶4.

6. As a supplement to the First Hagler Decl., and to further establish my financial wherewithal and commitment to consummate the funding transaction contemplated under the Debtors' Plan, attached hereto as: (a) Exhibit 1 is a copy of my recent account statements from Popular Bank and Charles Schwab showing available funds of approximately \$39.6 million and \$39.9 million, respectively; and (b) Exhibit 2 is a copy of statements noted to identify funds in the accounts of my various business entities for which I have control and access (aggregating \$60 million) to satisfy funding obligations under the Debtors' Plan. Accordingly, I have approximately \$139.5 million of funds to satisfy my funding obligations under the Debtor's Plan.

7. I believe the aforementioned offers demonstrate my financial wherewithal to consummate the funding obligations contemplated under the Debtors' Plan.

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I declare under the penalty of perjury that the foregoing statements are true and correct.

Dated: June 29, 2022
New York, New York

/s/ Daryl Hagler
Daryl Hagler